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CANADA

DEPARTMENT OF INDIAN AFFAIRS
AND NORTHERN DEVELOPMENT

MINISTÈRE DES AFFAIRES INDIENNES
ET DU NORD CANADIEN

FOR IMMEDIATE RELEASE

ADDRESS BY THE

HONOURABLE JEAN CHRÉTIEN

MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

TO THE HOUSE OF COMMONS

ON SECOND READING OF THE

ARCTIC WATERS POLLUTION PREVENTION BILL

April 16, 1970

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Mr. Speaker:

The Bill which we consider to-day, concerning an Act to Prevent Pollution of Areas of the Arctic Waters adjacent to the Mainland and Islands of Canadian Arctic, is one of the most important pieces of legislation this Government has introduced to this House.

As the Prime Minister stated in the House last October 24, Canada has four primary interests in the Arctic: the security of Canada, the economic development of the North, the preservation of the ecological balance, and the continued high stature of Canada in the international community.

This Bill, together with the Territorial Sea and Fishing Zones Bill, are designed to further these interests for Canada. As such, it is a continuation of past policies of successive Canadian governments to assert Canadian interests north of 60° - for the native people who live there, for the untapped wealth we seek to discover for the benefit of all Canadians, for the natural quality of the land and water which covers over 40% of the territory of our country.

Mr. Speaker, Canadians have reason to be proud of their North. I think it fair to say that for too long we neglected our North. To-day we pay the price for some of that neglect. But since the 1950's, successive Canadian Governments have accepted their responsibilities, and have developed our interests in Canada's newest and most promising frontier.

While the North is not without its problems, we can be thankful that men of foresight came before us. Let us hope that in twenty years time men will say that we, in this House, at this time, acted with the same spirit of realism and foresight as did those who came before us.

For this is what the Government is trying to do with the Arctic Waters Pollution Act - to act with realism and foresight, to seize upon the opportunities new technology is bringing to the North, and to control the use of this new technology so that it brings benefits, not disaster.

This Government is deeply concerned with the problem of environmental protection. Steps have already been taken to protect water quality through the Canada Waters Act and the Northern Inland Waters Act. In addition to these two bills, other measures are about to be taken or are being planned in such fields as air pollution, fisheries, and offshore shipping south of 60°. I plan soon to recommend to the Government legislation for the control and use of northern lands. I am sure honourable members will appreciate the need, in response to the quickening pulse of northern development, to ensure that this very development does not leave behind it a trail of unsightly scars which may spoil the northern landscape for years to come.

The Arctic Waters PollutionBill is a further important expression of this government's concern for environmental quality in the country in general, and in Northern Canada in particular.

It is further evidence that Canada is prepared to meet its responsibilities in maintaining and developing the Canadian Arctic.

During the past two or three years we have seen throughout the world instances of massive pollution disasters. The Torrey Canyon off the Coast of the United Kingdom; Santa Barbara, California, the tanker Arrow in Chedabucto Bay, have all shown the damage that can be done and have underlined the inadequacies of present law. There is no doubt about the threat. There is no doubt about the damage that can be done. Now, as the economic pressure of resource development in the North increases in speed and scope, the need for environmental protective measures takes on a new sense of urgency.

Northern Canada is on the brink of significant developments in the fields of mining and oil and in the transportation of these resources to markets. The Government is participating in and encouraging these developments. Over the past year, Canadians have been excited by the breakthrough in transportation made by the S. S. Manhattan and Sir John A. Macdonald in opening up the Northwest Passage. This new technology of Arctic shipping will provide Canada and other nations with great opportunities. The Government welcomes these developments. The Government wants Canadian Arctic waters to be opened up to commercial shipping.

The effect of this new legislation would be to make clear that the Northwest Passage is to be opened for the passage of shipping of all nations subject to

the necessary conditions required to protect the delicate ecological balance of the Canadian Arctic.

This bill clearly demonstrates to the international community the basis on which Canada, as a coastal state, with its unique responsibilities for protecting the northern environment, will welcome international use of its waters. Investors in Canada's North will now know the rules of the game regarding sea transportation, and I am confident that this bill will encourage commercial shipping in the North.

We are moving to prevent pollution of Canada's Northern coast, with this bill and the government will be dealing with pollution legislation applying to the East and West coasts at an early date.

There are two reasons for separate pieces of legislation:

First, the true Arctic is unique. It has a fragile ecology, meaning that the environment can easily be spoiled or desecrated and that it may never fully recover from any severe violation of nature. Many Eskimo people in the region still are wholly or partially dependent on wildlife on the land and fish of the sea for their existence.

The second reason relates to the fact that measures required to control pollution offshore from the East and West coasts in some respects must be far more complicated, since shipping routes, regulations and patterns have developed and land use and habitation has become established. It is the intent of my colleague, the Minister of Transport, to develop appropriate

measures as fast as possible to deal with this situation off the east and west coasts of Canada.

Maritime Law is evolving but more slowly than we would wish in Canada. For centuries, emphasis has been placed on right of shipping to the use of world's sea lanes without regard to the effect this might have on adjacent coastal states. While this may have been practical before, to-day, when millions of barrels of oil are afloat in tankers on the high seas in any given day, the threat of pollution is real and the interest of coastal states as opposed to nations who have large commercial fleets must be recognized. A state and particularly those offering flags of convenience cannot expect, in the world community, to continue these activities without regard to the interest of other nations.

At the World Shipping Conference in Brussels last year, it was obvious that these states continued to expect to have absolute priorities for their particular requirements. It became clear to the Government of Canada that unilateral action would have to be taken at this time if Canada was to protect its own urgent interest.

That is why Canada is extending its jurisdiction for pollution control purposes 100 miles from its coastline in the case of commercial shipping and more than that in the case of commercial exploitation of the Continental Shelf, where our environment may be threatened. It is doing this on the basis of its right

and responsibility to protect the Canadian environment, both in its seas and on its shores, from real threats of pollution.

But let it be clear that we stand ready at any time to co-operate with the world community in the development of a régime for the prevention of pollution and the protection of the environment, particularly along the coast lines of the world.

Canada, therefore, has decided to lead the way and to show by example what can and should be done. We will, however, continue to participate in all efforts to bring about effective pollution control régimes acceptable to all nations.

I believe that both at home and abroad this Bill will be viewed in its proper light as a legitimate and necessary extension of Canada's jurisdiction offshore in an area which is of direct and unique concern to Canada alone.

I should now like to turn to some of the main aspects of the Bill itself.

The thrust of the Bill is directed towards the prevention of pollution of Canadian Arctic Waters. It deals with pollution arising from shipping, from land-based installations, and from commercial activities, such as oil drilling, carried out on the continental shelf.

The bill prohibits, under prescribed penalties, the deposit of waste in Arctic Waters or on the islands or mainland under conditions where it may enter these waters. The definition of waste is comprehensive and covers any substances which would degrade or alter the Arctic Waters to an extent detrimental to their use by man or by any animals, fish or plant that is useful to man. This definition and the provision in the Bill for regulations to prescribe the type and quantity of waste that may be deposited are similar to those provided for in the Canada Water Bill and the Northern Inland Waters Bill.

The legislation regarding shipping will effectively be brought into force by the prescription of safety control zones by regulation of the Governor in Council. Within a shipping safety control zone, ships will be required to comply with technical requirements relating to hull structure, navigational aids, qualifications of personnel and time and route of passage. Ships not meeting these requirements will not be permitted to enter the safety control zones. At certain times of the year or when certain ice conditions prevail ships may be barred from entering the zone.

Some ships may already meet most of the required standards. The bill provides that where such a ship wishes to enter the safety control zone, a certificate may be issued in advance evidencing compliance with the standards prescribed. Ships owned or operated by a sovereign power other than Canada

may be exempted from application of the regulations provided the Governor in Council is satisfied that these ships comply with standards substantially equivalent to those prescribed by Canadian regulations and that all reasonable precautions will be taken to reduce the deposit of waste.

Emphasizing again the preventive aspects of this legislation, the bill provides for Pollution Prevention Officers who will be given power to enter any land-based operation undergoing construction, alteration or extension that may result in the deposit of waste in the Arctic Waters to determine whether adequate standards are being complied with. The Governor in Council may issue instructions requiring any necessary modifications to the work or may prohibit the work entirely.

The Pollution Prevention Officer will perform similar functions with respect to commercial operations carried out on the continental shelf and will also have the authority both to board a ship within a safety control zone for inspection purposes or to order a ship in or near the safety control zone to remain outside it if he suspects the ship does not comply with the standards applicable within the zone.

All of these provisions are designed to <u>prevent</u> the possibility of pollution occurring.

We recognize, however, that in spite of all the careful preventive measures that may and will be taken under this legislation, there still remains the

danger of serious pollution resulting from accident or other unforeseen cause. The bill therefore provides for civil liability resulting from the deposit of waste by persons engaged in exploring, developing or exploiting the natural resources on the land adjacent to the Arctic waters or on the continental shelf or by persons carrying on any undertaking on the mainland or islands of the Canadian Arctic or on Arctic waters or by owners of ships navigating in Arctic waters or owners of cargo on any such ship. This liability is absolute and does not depend on proof of fault or negligence. The Bill also sets out procedures for recovering in Canadian courts.

The bill provides that the Governor in Council may required evidence of financial responsibility to be provided by these persons and it is intended that this evidence should be adequate to cover the costs of clean-up and damage resulting from any pollution. Recognizing however that we are as yet not able to ascertain the full extent of possible damage, the bill makes provision for regulations providing for the limitation of liability of these persons so that commercial activity shall not be unduly inhibited by unrealistic forecasts of possible damage.

In closing, I should like to pay tribute to the members of the Standing Committee on Indian Affairs and Northern Development whose report to the House on December 16 last year underlined the importance of this legislation.

Mr. Speaker, with this legislation we are pioneers on the frontier of international law. This legislation goes beyond any previous action by the Canadian Government for the control of pollution and is in advance of any action by the international community. Although we have taken this action unilaterally we stand ready at all times to enter into international agreement which will provide for control over the dangers of pollution. Until this occurs, however, we must and will act now to protect the ecology of the north. This bill is evidence of our determination in this regard. I would ask that all members of the House give the Arctic Waters Pollution Prevention Bill full and firm support.

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